

**Class Justification for
Other Than Full and Open Competition Under FAR 6.302-2**

(1) Identification of contracting activity:

This justification for other than full and open competition (JOTFOC) applies to all contracting activities within the U.S. Department of Transportation (DOT).

(2) Description of action:

This action approves procurements without full and open competition for any acquisition made in support of recovery efforts or required to restore transportation infrastructure as a result of Hurricane Katrina. The response to Hurricane Katrina is of such an unusual and compelling urgency that the Government could be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. This approval is granted through December 1, 2005, and may be extended in writing.

(3) Description of required supplies/services:

This approval is for all contractual actions to procure supplies or services, including construction, in response to tasks or operations necessary to support recovery efforts or restore the transportation system to a safe and secure status as a result of Hurricane Katrina. Due to the unusual circumstances and potential unknowns regarding recovery, the total value of this class action cannot be predetermined.

(4) Statutory authority:

41 U.S.C.253(c)(2) -- Unusual and Compelling Urgency.

(5) Contractor's unique qualifications:

Selection of the applicable contractor shall be at the discretion of the procuring Contracting Officer.

(6) Efforts to solicit sources:

The applicable exception to publication is FAR 5.202(a)(2). Contracting Officers may use their best judgment in deciding procedures for soliciting sources.

(7) Fair and reasonable costs:

The anticipated costs to the Government are expected to be fair and reasonable.

(8) Market research:

Market research shall be accomplished at the discretion of the Contracting Officer.

(9) Other supporting facts:

The extent and nature of harm to the Government cannot be known in advance of this justification.

(10) Sources expressing interest:

No offerors are expected to express an interest in any applicable acquisitions since applicable procurements may not be publicized pursuant to paragraph (6) above.

(11) Actions to overcome barriers to competition:

Due to the unusual and compelling nature of the national emergency, no such actions to overcome barriers to competition need be taken.

(12) Certification of accuracy and completeness:

This justification is accurate and complete to the best of my knowledge as the DOT Senior Procurement Executive.



David J. Litman
DOT Senior Procurement Executive

September 2, 2005

Date